761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

DATE: August 30, 2001

OFFICE CORRESPONDENCE FILE:

FROM: RICHARD L. CASTRO, COMMANDER
TRAINING DIVISION

TO: ROBERT L. BINKLEY, CAPTAIN
INDUSTRY STATION

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS NON-HIT SHOOTING, NOVEMBER 6, 2000 , IAB INVESTIGATION #2024478**

The purpose of this memo is to notify you of the review committee's findings and recommendations concerning the use of force incident which occurred on November 6, 2000.

The committee met on August 2, and August 30, 2001, and consisted of myself, Commanders Michael Kenyon (Commander of the Department), and David Betkey (Commander of the Department). The Committee deemed:

- as **founded** three allegations that Deputy Jerry Ortiz #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/050.10, Performance to Standards, and
- as **unresolved** three allegations that Deputy Jerry Ortiz #[redacted] violated the Department's Manual of Policy and Procedure sections(s) 3-01/040.75, Providing False or Misleading Statements during an Administrative Investigation, and

RLC:KRK:kk



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

November 18, 2002

Deputy Jerry Ortiz, #[redacted]

Dear Deputy Ortiz:

On September 20, 2001, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2024478. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond, and did review the material on October 1, 2001. After reviewing the response submitted to support your position, the Department executives have amended the recommended discipline.

You are hereby notified that you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of seven (7) days. However, pursuant to a settlement agreement between you and the Department, four (4) of the seven (7) days will be held in abeyance for a period of twelve (12) months ending on October 28, 2003. If you should become the Subject of a founded administrative investigation, with similar violations, and the event occurred within the prescribed time period, the four (4) days will be imposed. Additionally, you will be subjected to further discipline for each and every founded violation of the Department's Manual of Policy and Procedures. All Departmental records will reflect, nevertheless, that you received a seven (7) day suspension.

The effective dates for the remaining three (3) day suspension are from November 19, 2002 through November 21, 2002.

An investigation under File Number IAB 2024478, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000,

A Tradition of Service

you failed to conform to the standards established for Department members when immediately after the initial vehicle stop, you became involved in a foot pursuit of three suspects, while leaving a fourth suspect unrestrained at the initiation point of the chase, thereby unnecessarily exposing yourself to a potentially dangerous situation and allowing an avenue of escape for the fourth suspect.

2. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000, you failed to conform to the standards established for Department members when immediately after a foot pursuit and while a containment was established, you alone investigated a suspicious noise within the containment area, and subsequently became involved in a second foot pursuit, thereby unnecessarily exposing yourself to a potentially dangerous situation, compromising the containment and compounding the situation.

3. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000, you failed to conform to the standards established for Department members when immediately after a foot pursuit and while a containment was being established, you alone engaged in a second foot pursuit through the containment area, and became involved in a shooting incident, while continuing to pursue the suspect whom you believed to be armed with a handgun.

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Robert L. Binkley, Captain
Commander, Industry Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

RLB:DHB:lg

c: Advocacy Unit
Kenneth L. Bayless, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Safe Streets Bureau/Unit Personnel File

3-01/050.10 Performance to Standards **

Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. Members shall perform their duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department.

Incompetence may be demonstrated by:

- A lack of knowledge of the application of laws required to be enforced
- An unwillingness or inability to perform assigned tasks
- The failure to conform to work standards established for the member's rank or position
- Failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention
- Absence without leave
- Unnecessary absence from an assigned area during a tour of duty.

In addition to the above, the following will be considered to be prima facie evidence of incompetence:

- Repeated poor evaluations
- A written record of repeated infractions of the Department's rules, regulations, manuals, or directives.

I certify that on the date indicated below, I received the original of the attached **LETTER OF SUSPENSION** under File Number ***IAB 2024478*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

11-18-02
DATE

JERRY ORTIZ, #[redacted]

I certify that on the date indicated below, I served the original of the attached letter of suspension on ***JERRY ORTIZ*** as set forth in Section 18.01 of the Rules of the Los Angeles County Civil Service Commission.

11-18-02
DATE

Pat Davoren
WITNESS SIGNATURE

PAT DAVOREN
WITNESS PRINT

Please return this page along with Supervisor/Timekeeper Notification within two (2) business days to:

LUCI GUILLEN
INTERNAL AFFAIRS BUREAU
4900 S. EASTERN AVE. #100
CITY OF COMMERCE CA 90040
(323) 890-5314

SETTLEMENT AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Jerry Ortiz, Employee Number [redacted] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in the Letter of Intent dated September 20, 2001, (IAB No. 2024478) upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. The Department will, upon execution of this Agreement, reduce the intended fifteen (15) day suspension to a seven (7) day suspension.

2. The Department will further impose three (3) days of the intended seven (7) day suspension. The remaining four (4) day suspension will be held in abeyance.

3. The Grievant understands that if he becomes the subject of a founded investigation involving similar violations of the Manual of Policy and Procedures, and that if the event resulting in the founded investigation occurred within the twelve (12) month period of the date of execution of this Agreement, the four (4) days held in abeyance shall be imposed. In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.

4. Both parties agree and understand that the Grievant's records will reflect that the seven (7) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline."

5. The Grievant further agrees that, within three (3) months of the date of execution of this Agreement, he will complete a comprehensive Foot Pursuit Training Package which shall be approved by Chief Bayless.

6. The Grievant understands that failure to complete the Foot Pursuit Training Package as referenced in paragraph five (5) shall result in the imposition of the four (4) days held in abeyance.

7. The Grievant further agrees to withdraw his grievance and waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraphs three (3) and/or six (6), above.

11-8-02

8. The parties further agree that this Settlement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

9. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter of the grievance referred to herein.

10. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

> "A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this Agreement.

12. The parties agree that the foregoing comprises the entire Agreement between the parties and that there have been no other promises made by any party. Any modification of this Agreement must be in writing.

I have read the foregoing Settlement Agreement and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

For the Sheriff's Department:

Date: 10-28-02

Jerry Ortiz, Deputy

Date: 10-29-02

Kenneth Bayless, Chief



County of Los Angeles
Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

September 20, 2001

Deputy Jerry Ortiz, #[redacted]

Dear Deputy Ortiz:

You are hereby notified that it is the intention of the Sheriff's Department to suspend you without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of fifteen (15) days.

An investigation under File Number IAB 2024478, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000, you failed to conform to the standards established for Department members when immediately after the initial vehicle stop, you became involved in a foot pursuit of three suspects, while leaving a fourth suspect unrestrained at the initiation point of the chase, thereby unnecessarily exposing yourself to a potentially dangerous situation and allowing an avenue of escape for the fourth suspect.

2. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000, you failed to conform to the standards established for Department members when immediately after a foot pursuit and while a containment was established, you alone investigated a suspicious noise within the containment area, and subsequently became involved in a second foot pursuit, thereby unnecessarily exposing yourself to a potentially dangerous situation, compromising the containment and compounding the situation.

3. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about November 6, 2000, you failed to conform to the standards established for Department members when immediately after a foot pursuit and while a containment was being established, you alone engaged in a second foot pursuit through the containment area, and became involved in a shooting incident, while continuing to pursue the suspect whom you believed to be armed with a handgun.

Prior to determining this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You have the right to grieve this disciplinary action within ten (10) business days of receipt of this letter. Your grievance procedures may be found in your classification's negotiated Memorandum of Understanding.

Failure to respond to this Letter of Intent within ten (10) business days will be considered a waiver of your right to grieve and will result in the imposition of this discipline indicated herein.

You may receive a copy of the material on which the discipline is based by contacting Luci Guillen of the Internal Affairs Bureau at (323) 890-5314, and arranging an appointment during the ten (10) day period in which you may respond.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Robert L. Binkley, Captain
Commander, Industry Station

RLB:DHB:lg

c: Advocacy Unit
Employee Relations Unit
Kenneth L. Bayless, Chief, Field Operations Region III
Internal Affairs Bureau
(File # IAB 2024478)

I certify that on the date indicated below, I received the original of the attached Letter of Intent under File Number ***IAB 2024478.***

9-20-01

Date

JERRY ORTIZ, #[redacted]

I certify that on the date indicated below, I served the original Letter of Intent to ***JERRY ORTIZ.***

9-20-01

Date

WITNESS NAME~ SIGNATURE

ROBERT L. BINKLEY

WITNESS NAME ~ PRINT

Please return this page within two (2) business days to:

LUCI GUILLEN
Internal Affairs Bureau
4900 S. Eastern Ave. #100
Commerce CA 90040
(323) 890-5314

Table of Contents

Table of Contents

MISCELLANEOUS DOCUMENTS

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date	Bureau/Station/Facility	Admin. Invest.?	Hit?
November 6, 2000	Industry	☒	☐

Incident Information

URN: 400-16447-1434-055	Date: November 6, 2000 Time: 1615 hours
City or Station: La Puente	Nature of Incident: Deputy Involved Shooting, Non-hit
Location: [redacted] Fife Street La Puente, Ca.	

Location Type *(circle one or more)*: Backyard, Beach, Business, Freeway, Industria, Park, Parking Lot, Residence, Rural, School, Street, (Other) River bed

Lighting *(circle only one)*: Darkness, (Daylight), Other, Street Lights

Weather *(circle only one)*: (Clear), Cloudy, Fog, Rain

Distance:

Incident Type *(circle one or more)*: Accidental, Armed Person, (Fleeing Suspect), (Foot Pursuit), Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service

Other: ______

Initiated by *(circle only one)*: Arrest Warrant, Call, (Observation), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity *(circle only one)*: Detective, Inmate Transport, Other, (Routine Patrol)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit?	Canine Unit?
2	0	☒	☐

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (circle only one)	ShiftType (circle only one)
NONE				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name		First Name		M.I.
NONE				
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**
Last Name		**First Name**		**M.I.**
Street Address	**City**	**Zip Code**	**Work Ph**	**Home Ph**

Supervisors

Employee #	Last Name	First Name	M.I.	(circle one or more)
[redacted]	Lindblom	Eric	R	(On Duty), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.
[redacted]	Cassidy	William	A

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	Scroggin	Jeffrey	L

PSTD Use Only
SH # 2023225

SH-R-438A rev. 3/97

See Reverse

Officer Involved Shooting

URN: 400-16447-1434-055

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
11-06-2000	1800 hours	11-20-2000	

Employee #	Last Name	First Name	M I
[redacted]	Morris	William	B
[redacted]	Morejon	Elier	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton (Control)
(BI) Baton (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds (Control Techniques)
(TT) Control Holds (Team Takedown)
(TD) Control Holds (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benell.
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) 223 caliber
(24) 243 caliber
(25) .25 caliber
(30) 308 caliber
(35) 357 caliber
(36) 30-60 caliber
(38) 38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED (one code per block)

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
E#1	S#1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 400-16447-1434-055

Involved Employee

E 1

Employee #	Last Name	First Name	M.I.
[redacted]	Ortiz	Luis	J

Sex	Race	Rank	Unit Assignment	Work Assignment (Unit #, Module, etc.)
M	Hisp.	Deputy	Industry	143K-8

ShiftTime (*circle only one*): EM (PM) Day — ShiftType (*circle only one*): (Regular) Overtime Off Duty — Intoxication/Drug Usage? ☐ — Substance Used:

Hospital Admission? ☐ — Hospital Name: — Coroner Case? ☐ — Coroner Case #: — Interviewed? ☒

Hrs of sleep prior to shooting: 6 1/2 hrs — Duty Time (hrs): [redacted]

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / (Uniform w/ Vest)

Other Factors:

Age: [redacted] — Height: 6'00" — Weight: 190

Range Qualification Date: [redacted] — PPI Qualification Date: [redacted] Certification Unit — Laser Training Date: [redacted]

Certified with Weapon Used? [redacted] — Patrol Certification? [redacted] — Prior Shootings? [redacted] — Number of Prior Shootings: [redacted]

Field Training Officer Emp #: [redacted] Last Name: [redacted] First Name: [redacted] M.I.

Field Training Officer Emp #: [redacted] Last Name: [redacted] First Name: [redacted] M.I.

E__

Employee #: — Last Name: — First Name: — M.I.:

Sex: — Race: — Rank: — Unit Assignment: — Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day — ShiftType (*circle only one*): Regular Overtime Off Duty — Intoxication/Drug Usage? ☐ — Substance Used:

Hospital Admission? ☐ — Hospital Name: — Coroner Case? ☐ — Coroner Case #: — Interviewed? ☐

Hrs of sleep prior to shooting: — Duty Time (hrs):

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest

Other Factors:

Age: — Height: — Weight:

Range Qualification Date: — PPI Qualification Date: Certification Unit — Laser Training Date: [redacted]

Certified with Weapon Used? ☐ — Patrol Certification? ☐ — Prior Shootings? ☐ — Number of Prior Shootings: 0

Field Training Officer Emp #: Last Name: First Name: M.I.

Field Training Officer Emp #: Last Name: First Name: M.I.

E__

Employee #: — Last Name: — First Name: — M.I.:

Sex: — Race: — Rank: — Unit Assignment: — Work Assignment (Unit #, Module, etc.):

ShiftTime (*circle only one*): EM PM Day — ShiftType (*circle only one*): Regular Overtime Off Duty — Intoxication/Drug Usage? ☐ — Substance Used:

Hospital Admission? ☐ — Hospital Name: — Coroner Case? ☐ — Coroner Case #: — Interviewed? ☐

Hrs of sleep prior to shooting: — Duty Time (hrs):

Clothing (*circle only one*): Plain Clothes no Vest / Raid Jacket w/ Vest / Plain Clothes w/ Vest / Uniform no Vest / Raid Jacket no Vest / Uniform w/ Vest

Other Factors:

Age: — Height: — Weight:

Range Qualification Date: — PPI Qualification Date: Certification Unit — Laser Training Date:

Certified with Weapon Used? ☐ — Patrol Certification? ☐ — Prior Shootings? ☐ — Number of Prior Shootings:

Field Training Officer Emp #: Last Name: First Name: M.I.

Field Training Officer Emp #: Last Name: First Name: M

Officer Involved Shooting
Suspect Information

URN 400-16447-1434-055

Suspect Information

S 1

Last Name [redacted]		First Name [redacted]	M I [redacted]
AKA Last Name		First Name [redacted]	M I
Sex M Race Hisp	Street Address [redacted]	City [redacted]	State & Zip Code [redacted]
Work Phone	Home Phone [redacted]	Social Security # [redacted]	Driver's License # [redacted]
Age 14 D O B [redacted]	Height 5'10" Weight 200	FBI #	CII # [redacted]
Booking # [redacted]	Primary Charge 245 (d)(1) P.C. (on a peace officer)	Secondary Charge 10851 CVC	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used
Armed? ☐	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Saturn		Model 4 door	Year 1994

S__

Last Name		First Name	M I
AKA Last Name		First Name	M.I.
Sex Race	Street Address	City	State & Zip Code
Work Phone	Home Phone	Social Security #	Driver's License #
Age D O B	Height Weight	FBI #	CII #
Booking #	Primary Charge	Secondary Charge	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model	Year

S__

Last Name		First Name	M I
AKA Last Name		First Name	M I
Sex Race	Street Address	City	State & Zip Code
Work Phone	Home Phone	Social Security #	Driver's License #
Age D O B	Height Weight	FBI #	CII #
Booking #	Primary Charge	Secondary Charge	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model	Year

S__

Last Name		First Name	M I
AKA Last Name		First Name	M.I.
Sex Race	Street Address	City	State & Zip Code
Work Phone	Home Phone	Social Security #	Driver's License #
Age D O B	Height Weight	FBI #	CII #
Booking #	Primary Charge	Secondary Charge	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model	Year

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE CASE SUMMARY
IAB IV2024478
SUBJECT: DEPUTY L. JERRY ORTIZ #[redacted]

This case originated as a "review" by the I.A.B Force/Shooting Review Team, on Monday November 6, 2000. Sergeants Wm. Brian Morris and Elier Morejon, and Lt. Karyn Mannis responded to a "Deputy Involved - Non Hit Shooting" in Industry Station's Area. Although the incident began as a "Shooting Review" and was elevated to an Administrative Investigation on November 14, 2000, by Chief Bayless. This action was taken following a review of the Incident Report by Deputy Ortiz, in contrast to the interviews of Witness Deputies Shupe and McCormick.

In his Incident Report, Deputy Ortiz reported the following:

On Monday, November 6, 2000, he was working a one-man car in the City of La Puente. At about 1615 hours, he was patrolling a residential area north of Valley Boulevard and west of Azusa Avenue. He noticed a white Saturn 4-door speeding west on Inyo Avenue with 4 male occupants. Prior to effecting a vehicle stop, he ran the vehicle's license plate on his MDT. The vehicle turned north on Fife Avenue [which is a very shallow cul-de-sac containing a total of seven houses]. The Saturn pulled into the driveway of [redacted] Fife Avenue All four doors opened and the four occupants exited. Three of the four ran north along the side of the house toward the rear. At approximately this same time, the Sheriff's Communications Center advised him the vehicle was reported stolen. The fourth occupant did not run. Deputy Ortiz reported he ordered this individual [redacted] on lay on the ground. He said [redacted] *"immediately complied and laid down on the front lawn of the location."*

He reported that when the three males ran from the vehicle and along the side of the house, he *"followed after the three males who ran east bound along the south side of the residence."* He reported that while following the males he simultaneously requested assistance, via his radio. He reported that he *"continued to yell at the three suspects to stop,"* but they disappeared from his view around the rear of the house. He reported that he then *"ran back to the front of the residence to detain* [redacted] *who was still laying on the grass."* He reported that as he reached the front lawn, he saw one of the other individuals [redacted] hiding behind a wall at the north side of the house. He reported that he ordered [redacted] o surrender and lay on the grass next to [redacted] complied.

Deputy Ortiz reported that at that time, Deputies Shupe and McCormick arrived at his location and handcuffed the two suspects. He reported that he *"then heard a loud noise to the rear of* [redacted] *Fife Avenue"* He reported that he went to the rear of the location and saw a male [redacted] jumping over the rear chain link fence into a drainage wash that parallels the rear of the house. He reported that he *"ordered* [redacted] *to stop numerous times"* but he did not and ran north in the wash.

Deputy Ortiz reported that he *"climbed over the fence while advising assisting units the suspect's description and direction of travel"* and that he *"followed after* [redacted] *in an attempt to keep a visual on his whereabouts, while assisting units set up a containment."*

Deputy Ortiz reported that *"as* [redacted] *ran north he continued to look over his right shoulder"* for the apparent purposes of checking on the location of Ortiz. He reported that he *"continued to follow after* [redacted] *who was approximately 150 feet in front of me."* He reported that *"As* [redacted] *ran I could clearly see that he was holding a black handgun in his right hand."*

Deputy Ortiz reported that he *"continued to monitor* [redacted] *direction of travel and began to look for available cover."*

Deputy Ortiz reported that *"as he reached the* [redacted] *or* [redacted] *house* [redacted] *of* [redacted] *Fife Avenue,* [redacted] *looked over his right shoulder at me, raised the handgun and pointed it at me."* He reported that *"fearing for my life and to stop* [redacted] *assault against me, I fired two rounds from my duty weapon at* [redacted]*"* He reported that he ran to the west fence line of the wash to locate cover and [redacted] continued running north toward the end of the wash. Deputy Ortiz reported that he broadcast the information to assisting units.

Deputy Ortiz reported that Deputy Shupe arrived at his location and the two, *"cautiously walked north bound after* [redacted] Upon reaching the end of the wash they were unable to locate him and advised units that he possibly continued north bound into the rear yard of the residences on Main Street.

Deputy Ortiz reported that [redacted] was subsequently detained on Main Street. The fourth and final outstanding suspect [redacted] was also arrested in the area.

Deputy Ortiz declined to be interviewed the night of the incident, stating that he wanted a labor representative present during any interview.

Deputy Scott McCormick was interviewed during the early morning hours subsequent to the incident. Deputy McCormick said he and his partner, Deputy Peter Shupe, went to [redacted] Fife Avenue in response to radio information that Deputy Ortiz was holding two individuals at gun point. He said they arrived at the location within two minutes of the broadcast. He said as they arrived at the location he saw Deputy Ortiz holding two males at gun point on the front lawn of [redacted] Fife Avenue He said he and his partner approached the two and took them into custody. They hand cuffed them and each put a suspect in the back seat of separate radio cars.

He said after about one minute they heard noise coming from the rear of [redacted] Fife Avenue. He described it as a *"rustling kind of bang noise, something like that."* He said *"it could have been somebody running over a fence."* He said Deputy Ortiz went into the back yard and less than one minute later he heard two pops, which could have been gun shots. He said he decided to stay with the two arrestees and his partner went to check on Deputy Ortiz. He said as Deputy Shupe was leaving, he heard Deputy Ortiz broadcast that a shooting had occurred.

Deputy McCormick said prior to going into the rear yard, Deputy Ortiz said something to him to the effect of "I'm going to the back yard." He said Deputy Ortiz did not ask him to go with him and he did not volunteer to go.

Deputy McCormick said after Deputy Ortiz returned to the radio cars, he told him what occurred. Deputy McCormick said Deputy Ortiz never really told him how the initial car stop happened, because they were still in the process of trying to capture the fourth suspect. He said Deputy Ortiz told him after he went into the wash, *he was in foot pursuit, once again*, of at least one of the suspects and the suspect turned with a gun in his hand and Deputy Ortiz shot at him.

Deputy Peter Shupe was also interviewed during the early morning hours subsequent to the incident. His information was substantially the same as Deputy McCormick's as it related to their joint actions, such as their response to the incident and taking the suspects into custody.

Deputy Shupe also provided information regarding his response to Deputy Ortiz's location after the shooting. Deputy Shupe said while he was handcuffing one of the suspects in the front yard, Deputy Ortiz was holding the suspects at gun point. He said he escorted the suspect to a radio car. He said the next time he saw Deputy Ortiz, *"He was at the end of the wash area."* He said he never saw Deputy Ortiz leave the area. After hearing the shooting, he ran to the end of the wash and found Deputy Ortiz there.

He said he did not hear the noise reported by Deputies Ortiz or McCormick.

Deputy Ortiz was interviewed at Internal Affairs Bureau on November 14, 2000. During his interview he verbalized much of the information contained in his report. However, there was additional and/or apparently conflicting information provided. In his interview Deputy Ortiz said when he began to run up the side of the house, he ran just past the front corner of the house. In his report, where he writes, *"I followed after the three males who ran east bound along the south side of the residence. While doing so, I simultaneously asked for assistance via my sheriff's radio."* Witness [redacted] the suspect who did not run) told investigators he saw Deputy Ortiz chase after the other fleeing subjects with his gun drawn. [redacted] said the deputy ran along the right side of the house toward the backyard [redacted] walked over to the right side of the driveway in order to see what was going on. He estimated that the deputy was out of view for approximately 20 seconds.

He said after Deputies McCormick and Shupe arrived and detained the two individuals in the radio cars, he decided to go to the back yard to get a bearing on the direction the other two may have ran. He said, *"That was my whole intention, was to go back to see which way these guys went. As I was actually going to the back, that's when I heard the noise. I must have been, you know, just getting to the backyard when I heard a noise. And that's when I immediately saw the other guy . .... that's when I says, hey, I'm going to go to the back and see which way these guys went And I just started going to the back. I started walking toward the – kind of going toward this little gated area back here . . I started going that way. As I was going over here is when I heard the noise "*

He said he did not know if the other two deputies heard the noise and he did not say anything to them about the noise. He said there was no dialogue between them about the noise.

He said he saw [redacted] jump the fence and run north. He said he followed him. Deputy Ortiz said he was never in foot pursuit of [redacted] but characterized his actions as following or monitoring.

He said as he ran about 150 feet north, he saw [redacted] raise a gun in his direction. He said he never saw the gun prior to the time [redacted] raised it toward him. It was pointed out that his report stated, *"As [redacted] ran I could clearly see that he was holding a black handgun in his right hand......as he reached the [redacted] or [redacted] house [redacted] of [redacted] Fife Avenue, [redacted] looked over his right shoulder at me, raised the handgun and pointed it at me."* Deputy Ortiz considered the conflicting information, conferred with his attorney, and said his report was more accurate, since it was written immediately following the incident.

Deputy Ortiz said after the shooting [redacted] continued to run. He said he followed [redacted] He said, *"I walked a little bit and Shupe came up to me."* Deputy Shupe said that when he reached Deputy Ortiz, he was at the end of the wash. Deputy Ortiz stated that was incorrect. He said Shupe arrived at his side and the two of them walked to the end of the wash.

The following are excerpts from Deputy Ortiz's radio broadcasts from the end of the drainage wash.

Ortiz: Be advised the first subjects are in custody. [Out of breath] they're in the back seat of the car......[unclear].......he was 417, he ran through the riverbed northbound. I'm at the end of the riverbed off of Fife.

Ortiz: Be advised, I'm actually in the riverbed at the end of the riverbed. Right behind Fife. I'm at the end of the riverbed. And like I said, the suspect went north bound. The 417 suspect went northbound from here. I'm at the end of it.

Investigators took measurements of various points in the wash:

From the north corner of the lot at [redacted] Fife Avenue to the end of the wash is approximately 774 feet.

From the north corner of the lot at [redacted] Fife Avenue to the location of Deputy Ortiz's shell casings is approximately 138 feet.

From the locations of Deputy Ortiz's shell casings to the end of the wash is approximately 636 feet.

SUMMARY OF ISSUES:

Was there a foot pursuit after the initial vehicle stop?

In his report Deputy Ortiz states when the three males ran from the vehicle and along the side of the house, he *"followed after the three males who ran east bound along the south side of the residence."* He reported that while following the males he simultaneously requested assistance, via his radio. He reported that he *"continued to yell at the three suspects to stop,"* but they disappeared from his view around the rear of the house. He reported that he then *"ran back to the front of the residence to detain* [redacted] *who was still laying on the grass."*

During his interview (page 2) Deputy Ortiz said, *"I continued moving down the driveway, right in front of the cars to, you know, put out a request assistance. At the same time I'm requesting assistance, re: a stolen vehicle, three male Hispanics running. As soon as I get in front of the car, the guys run to the back of the location and they turn the corner. Realizing they turned the corner, I come back to get this guy here and set up my containment."* On page 7 of his interview he said he went just past the front edge of the house.

During his interview [redacted] said the deputy (Deputy Ortiz) ran between the two cars and chased the fleeing subjects with his gun drawn. [redacted] said the deputy ran along the right side of the house toward the backyard. [redacted] said he walked over to the right side of the driveway in order to see what was going on. He estimated that the deputy was out of view for approximately 20 seconds.

During his interview (page 12) Deputy Ortiz said regarding his actions when the three males ran from the car, *"Well I wasn't chasing them."*

Was there a foot pursuit in the drainage wash?

In his report (page 4) and in his interview (page 3), Deputy Ortiz said he was only following [redacted] to keep a visual on him.

Deputy McCormick said (page 9 of his interview), *".... after Deputy Ortiz returned to the radio cars, he told him what occurred."* He said Deputy Ortiz told him after he went into the wash, *"he was in foot pursuit, once again"* of at least one of the suspects and the suspect turned with a gun in his hand and Deputy Ortiz shot at him.

Beginning at page 58 of Deputy Ortiz's interview, there is a discussion about his actions as he followed [redacted] in the drainage wash, particularly in contrast to his demeanor as it sounded on the radio while he was in the wash. Deputy Ortiz said he was never in 'foot pursuit."

When was the noise in the rear yard heard?

In his report (page 4) Deputy Ortiz said, *"At this time Deputies Shupe and McCormick arrived at my location and handcuffed both suspects without incident. I then heard a loud noise to the rear of* [redacted] *Fife Ave. I went to the rear of the location a male Hispanic* [redacted] *jumping over the northeast corner of the back yard chain link fence..."*

In his interview (page 2) Deputy Ortiz said, *"...I said, I'm going to go into the back just to find out which way these other guys went. Because like I said, I had no idea of the area. So I – as I was walking to the back, I hear a loud noise. I see somebody on a tree, it looks like trying to climb over a fence."* Page 33 of his interview he said, *"...At that time, that's when I says, hey, I'm going to go to the back and see which way these guys went. And I just started going to the back. I started walking toward the – kind of going toward this little gated area.....I started going that way. As I was going over here is when I heard the noise."*
In his interview (page 36) Deputy Ortiz said he was unaware if either of the other two deputies heard the noise, but there was no dialog between any of them about the noise

In his interview (page 2-3) Deputy McCormick said after hearing the noise in the rear yard, Deputy Ortiz went to the back yard.

In his interview (page 10) Deputy McCormick said, *".....We hear the noise in the background and I remember hearing him* {Ortiz} *say something about going to the back. Exactly what he said, whether he asked us to go with him or not, I just can't remember the specifics on that."*

When did Deputy Ortiz first see [redacted] **with a gun.**

In his report (page 5) Deputy Ortiz stated, *"As Suspect* [redacted] *ran northbound, he continued to look over his right shoulder at me, checking to see where I was. I continued to follow after Suspect* [redacted] *who was approximately 150 feet in front of me. As Suspect* [redacted] *ran, I could clearly see that he was holding a black handgun in his right hand. I repeatedly ordered Suspect* [redacted] *to stop and drop the handgun. I continued to monitor Suspect* [redacted] *direction of travel and began to look for available cover. As I reached the* [redacted] *or* [redacted] *house* [redacted] *of* [redacted] *Fife Avenue, Subject* [redacted] *looked over his right shoulder at me, raised the handgun and pointed it at me. Fearing for my life and to stop Suspect* [redacted] *assault against me, I fired two rounds from my duty weapon."*

In his interview (page 39) Deputy Ortiz said, *".....I kind of followed just to keep visual of which way he was going to go....... so, I jumped over the fence to keep visual on where he was going......As I was going behind him and keeping an eye on him, I noticed he kept looking back, at that time, over his right shoulder as he was running. Like I said, after, I believe it was the third time, he looked back and I saw his – his right hand raising back, raising a – raising a gun, and I saw a gun towards my direction."*

What was Deputy Ortiz's actions after the shooting?

In his report (page5) Deputy Ortiz reported that after the shooting, Deputy Shupe arrived at his location and the two cautiously walked to the end of the wash looking for [redacted] He reiterated this in his interview.

In his interview (page 5-6) Deputy Shupe said after hearing the shots and the 998 broadcast, he next saw Deputy Ortiz at the end of the wash, when he ran to help him.